Commission Recommendation on the management of intellectual property in knowledge transfer activities and Code of Practice for universities and other public research organisations

University – Business Cooperation: Thematic Forum on Knowledge Transfer

European Commission
November 7, 2008
Commission **Recommendation**
on the management of intellectual property
in knowledge transfer activities
and
**Code of Practice** for universities
and other public research organisations

University – Business Cooperation:
Thematic Forum on Knowledge Transfer

European Commission
DG Research
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November 7, 2008
THANK YOU!!
What has been done?


Communication on knowledge transfer and Guidelines 2007

Council conclusions on German presidency “IP Charter” initiative 2007

“Knowledge sharing” axis of Era Green paper + KS expert group 2007

Commission Recommendation on the management of intellectual property in knowledge transfer activities and Code of Practice for universities and other public research organisations 2008
The Commission Recommendation includes

- Key **recommendations to Member States** for establishing or adapting intellectual property / knowledge transfer policies

- **Code of Practice for universities and PROs** with operational principles for setting up institutional policies and knowledge transfer systems (Annex I)

- **List of best practice examples for Member States** to support implementation of the recommendations (Annex II)
Recommendations to Member States

- **Ensure** that public research organisations define **knowledge transfer as strategic priority** and develop and publicise respective policies and procedures

- **Support** the development of **knowledge transfer capacities** and skills, also among students

- **Promote broad dissemination of research results** while enabling protection of intellectual property

- **Cooperate** and take steps to ensure coherence of ownership regimes and to facilitate cross-border collaborations and **knowledge transfer**

- **Ensure** equitable and **fair treatment** of all participants in **international R&D collaborations** (ownership and access rights to IP)
Recommendations to Member States

- Take steps to **ensure the widest possible implementation of the Code of Practice**

- **Designate a national contact point**, the tasks of which should include the **coordination of measures regarding knowledge transfer** ... in liaison with similar contact points in other Member States

- **Inform** the Commission by 15 July 2010 and every two years thereafter of measures taken on the basis of this Recommendation, **as well as their impact**

- **Encourage** public research organisations to **establish and publicise policies and procedures for the management of intellectual property** in line with the Code of Practice
Thematic Forum on Knowledge Transfer

The Code of Practice
1) Principles for an **internal** intellectual property (IP) **policy** for effective management of their own IP (policy, rules, procedures, incentives, awareness, training, ...)

2) Principles for a **knowledge transfer (KT) policy** focusing on active transfer and exploitation of IP (exploitation strategies and policies, including for licensing and spin-offs; access to professional KT services; sharing of financial returns; monitoring of KT activities)

3) Principles regarding **collaborative and contract research** (basic principles for IP ownership and access rights)
Principles for an internal IP policy

- IP policy should be long-term strategy and mission of the PRO, easy accessible with responsible contact point
- Policy should contain clear rules for staff and students
  - Disclosure of new ideas of commercial interest
  - Ownership of research results
  - Engagement with third parties
  - Publication, dissemination policy
- Develop policy in line with education and research mission regarding identification, possible exploitation, protection of IP, open access policies etc.
- Creation of IP portfolios, setting up IP pools where appropriate
- Training for IP awareness and basic skills in IP and KT
- Incentives
Responsible Partnering

Relevant Links

EARTO
ERIMA
EUI
Proton Europe

United Kingdom: Lambert Model Agreements (2005)
EPO IP training for Academia

Academia

Target audience

Today’s academic world helps to shape the minds of the future. Universities and colleges nurture tomorrow’s engineers, lawyers, researchers, designers, managers and entrepreneurs. Europe’s educational institutions are at the forefront of raising awareness of intellectual property (IP), and this is precisely what the Academia unit of the European Patent Academy is doing. Every student needs to know what IP is and how to use the patent system to support innovation.

The unit also focuses on specific faculties in universities and research centres, and co-operates with the staff of Technology Transfer Offices (TTOs), who work alongside university researchers and students.

Getting the message across

The Academia unit is creating networks of universities which include IP as part of their syllabus, or wish to do so. It encourages universities which already offer IP content to expand existing programmes and

Next events for this programme area

There are currently no events registered...

Search all events
Knowledge transfer policy

- Consider **different exploitation** mechanisms and partners (e.g. **spin-offs**, innovation support service etc.)
- Have own or access to **professional knowledge transfer service** (advice on legal, financial, commercial, IPR etc.)
- Develop and publicise a **licensing** policy (transfer of ownership or exclusive license?)
- Have clear **principles on financial returns** from KT revenues between PRO, department, inventor
- **Monitor** IP protection and KT activities and make them visible
European Expert Group on Management of IP

Management of intellectual property in publicly-funded research organisations: Towards European Guidelines
Irish Code of Practice on Management of IP
Industrie, kleine und mittlere Unternehmen (KMU) und Existenzgründer finden bei der TechnologieAllianz eine Auswahl wirtschaftlich interessanter Erfindungen deutscher Hochschulen und außeruniversitärer Forschungseinrichtungen – zentral abrufbar, professionell schutzrechtlich geschützt und kundenorientiert aufbereitet. Über 100 Innovationsberater mit ausgewiesener Fach- und Branchenexpertise stehen als qualifizierte Ansprechpartner zur Verfügung.
Awards

ACADEMIC ENTERPRISE AWARDS EUROPE 2008

The first pan-European programme to recognise enterprise in universities and research institutes

RECOGNITION FOR ENTERPRISE

Innovation is the lifeblood of a vibrant economy - but in Europe, it's often said, a risk-averse culture in its universities prevents innovative ideas from getting out of the labs and into the marketplace.

To help change that culture, the first Europe-wide awards for academic enterprise are being launched, with a coalition of leading European universities, multinational corporations, foundations, and the ScienceBusiness news service. The awards will be promoted at a series of events and on-line activities through 2008/9, and will be overseen by the ScienceBusiness Innovation Board. The programme will culminate in a conference and awards ceremony in

Nominees open NOW. Closing date: 30 September.

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Collaborative and Contract Research

• Rules should be compatible with **mission** of each party

• IP-related issues should be clarified at **management level** and **as early as possible** (identification of Foreground and Background, access rights, sharing of revenues etc.)

• **Ownership** of foreground in **collaborative** and **contract** research should be clarified and negotiated

• **Access rights** should be clarified from the beginning of project
UK Lambert agreements

Lambert Agreements

This website provides a toolkit for universities and companies wishing to undertake collaborative research projects.

Read the full introduction and background

Model Agreements

There are five model research collaboration agreements devised by the Lambert Working Group. Their use is optional, but they could help you save time and money when negotiating.

Guidance Notes

The Guidance Notes are designed to help you understand the terms of the Model Agreements and some of the legal issues.

Decision Guide

RELATED LINKS

- Innovation Report

EXTERNAL LINKS

- Lambert Review
- Patent Office
Model agreements of German Ministry
CREST Toolkit for collaborative research

FIGURE 1: Simplifying the Process of Negotiating a Cross-border Collaboration

INFORMATION REQUIRED BY BOTH PARTIES

*Step 1*: Consider all of these issues

- What does Business need to know about situation in country B

- Differences regarding:
  - Obtaining IPRs
  - Ownership of IPRs
  - Effect of Funding
  - Exploitation of IPRs
  - Legal systems
  - Publication & confidentiality

*Step 2*: Identify areas which are new or need explaining

- What does PRO need to know about situation in country A

*Step 3*: Build a picture of what issues are important for each party

*Step 4*: Seek Advice, Discuss, Negotiate

Simplifies and speeds-up the negotiation of an effective cross-border collaboration agreement

Business

COUNTRY A

Cross-border Collaboration

PRO

COUNTRY B
Interactive toolkit

First Step: Deciding On What Should Be In The Collaboration Agreement?

Section 1: Deciding ownership of the intellectual property rights

PLEASE TICK THE BOXES THAT APPLY

Yes

1. Is the Industry partner paying all the costs plus some element of profit to the public research organisation?

2. Has the Project been proposed by the Industry partner?

3. Is the Project critical to the Industry partner’s technology acquisition and/or development strategy?

4. Does the Project rely substantially on the Industry partner’s own materials and/or Background IP from the Industry partner?

5. Would the Project be easy to carry out without privileged access to the PRO’s own materials or Background IP?

6. Is the focus of the Project the testing or analysis of the Industry partner’s own materials, or research based around the Industry partner’s own materials or Background IP?

7. Has the Industry partner taken the lead in designing the work for the Project?

8. Is the Industry partner managing the project, e.g. setting deliverables, timeline...
PROTON support

One of the main focuses of ProTon Europe is the identification of good practices that be applied in a practical way to improve the day to day performance of KTOs.

Where do the good practices come from?
The major source of good practices are the activities of the ProTon Europe Working Groups and the institutions they work for. Many of these materials were first presented at ProTon Europe training workshops and/or the annual conference. The other source of materials include documents published by the European Commission and other regional and European networks.

Is it good practice?
All ProTon Europe’s good practices are presented in a standard way, summarised using a factsheet. These factsheets are analysed along with any supporting background documentation by members of the network with the relevant expertise and are rejected or accepted accordingly.

How many good practices has ProTon Europe identified?
Links to some existing initiatives

- **TTO:**
  - http://www.protoneurope.org/
  - http://www.technologieallianz.de/
- **Code of Practice / Management of IP**
  - http://www.responsible-partnering.org/
- **Patent Offices:**
  - http://www.epo.org/
  - http://www.innovaccess.eu/index.jsp
- **Model Contracts:**
  - http://www.innovation.gov.uk/lambertagreements/
- **European decision guide / Toolkit / Management IP**
Thematic Forum on Knowledge Transfer

Next steps
INVITES Member States to actively support the Recommendation, and to promote the effective take-up of the Code of Practice by universities and other public research organisations, while fully respecting their autonomy in dealing with IPR;

CALLS UPON all universities and other public research organisations to pay due regard to the content of the Commission's Code of Practice and to implement it according to their specific circumstances, including appropriate flexibility for contract research.

INVITES Member States and the Commission to establish, in partnership, light and effective governance arrangements, including the monitoring and evaluation of the take up and impact of the Recommendation and Code of Practice, on the basis of indicators, the exchange of best practices with active involvement of stakeholders, which could lead to the definition of further guidelines on specific issues of common interest where justified.
Next steps

- Commission-Stakeholder partnership through the **Thematic Forum** on KT to discuss the implementation of the Code of Practice, exchange best practice and to **develop further guidelines**. Bi-annual forum supported by an expert group.

- Commission-MS partnership through the **CREST group** for the implementation, monitoring and evaluation of impact of the Recommendation, exchange of best practices, identifying new policy initiatives. Outcomes of the forum reporting to the group.

- Commission-MS monitoring and **reporting** on measures taken on the basis of the Recommendation, as well as their impact. Supported by Commission study.

- MS-Stakeholder events to discuss the **national implementation** of the Recommendation and Code of Practice, actions to develop national policies and guidelines

- Stakeholder events for **disseminating Code of Practice**, actions to develop guidelines
Yes, We Can.

Thank you for your attention!